

**TOWN OF ROCKY HILL  
PLANNING AND ZONING COMMISSION  
MEETING OF JANUARY 21, 2015**

**1. CALL TO ORDER**

Chairman Desai called the Wednesday, January 21, 2015, meeting to order at 7:00 p.m. in the Town Council Room, Rocky Hill Town Hall, 761 Old Main Street, Rocky Hill, Connecticut.

Present: Dimple Desai, Chairman  
Kevin Clements, Vice Chairman  
Victor Zarrilli, Secretary  
Giuseppe Aglieco

Alternates: William O'Sullivan

Also: Kimberley A. Ricci, Dir. Planning & Building/Asst. ZEO  
Eileen A. Knapp, Recording Secretary

Mrs. Ricci welcomed students from the University of Connecticut Law School class who will be sitting in on meetings as part of their course requirements for Attorney Dwight Merriam's Land Use Practicum Class.

**2. PUBLIC**

**Ms. Krista Mariner of 58 Farms Village Road** addressed the Commission. She asked that the Commission include as part of the multi-family housing regulations, a requirement for submission of a School Assessment Study by applicants.

**3. ADOPT THE AGENDA**

**A MOTION was made by Commissioner Zarrilli to adopt the Agenda. Seconded by Vice Chairman Clements. All were in favor, MOTION CARRIED UNANIMOUSLY.**

**4. CONSENT AGENDA**

**A MOTION was made by Commissioner Zarrilli to remove item C. from the Consent Agenda. Seconded by Commissioner Aglieco. All were in favor, MOTION CARRIED UNANIMOUSLY.**

**C. Earth Removal Permit 2015-1 ( formerly #76-1 and #80-1), Town of Rocky Hill,  
for phase II of Rocky Hill Business Park, Old Forge Road, Dividend Road,  
Belamose Avenue in an OP-Office Park Zoning District;**

Commissioner Zarrilli said he would like a brief explanation about this Permit before they approve it. Mrs. Ricci said the Town has historically had two earth removal permits at the area known as Phase II of the Town Industrial Park at the end of Dividend Road. The property is used for leave pick up and mulch piles. There is also some gravel on the site that the Town may eventually want to use. Mrs. Ricci said

she combined the two permits into one permit and updated and modified the conditions, which were outdated.

**A MOTION was made by Commissioner Zarrilli to approve the Earth Removal Permit 2015-1 (formerly #76-1 and #80-1), Town of Rocky Hill, for phase II of Rocky Hill Business Park, Old Forge Road, Dividend Road, Belamose Avenue in an OP-Office Park Zoning District. Seconded by Vice Chairman Clements. All were in favor, MOTION CARRIED UNANIMOUSLY.**

**A MOTION was made by Commissioner Zarrilli to approve the Consent Agenda. Seconded by Commissioner Aglieco. 4 were in favor (Desai, Zarrilli, Aglieco, O'Sullivan), one abstention (Clements), MOTION CARRIED. The following items were approved on the Consent Agenda:**

**A. Approval of Minutes December 17, 2014;**

**B. Set a Public Hearing for Special Permit Application, for Alyssa Heald, proposing to use approximately 3,400 square feet for the relocation of a Crossfit Gym in Units E1,E2 and E3 of Shunpike Business Center at 1275 Cromwell Avenue in a BP-Business Park Zoning District;**

## **5. AGENDA ITEMS**

**A. Subdivision Application, Lou-Anne Schmelter and Lisa Fontana, proposing to divided #332 France Street in to two (2) residential lots , one with an existing residence and the other to be a building lot, plus a public sidewalk waiver request, for property located at 332 France Street in a R-20 Residential Zoning District;**

**Mr. Tom Schmelter** addressed the Commission representing the Applicants. They are requesting to divide a 1.5 acre lot in half. There is a house on one side of the property. This application is currently before the Wetlands Commission and no decision has been made. Mrs. Ricci noted that the Planning and Zoning Commission cannot make a decision until the Open Space Commission has taken action. Mr. Schmelter said both lots have access to city water and sewer. He is asking for a waiver on the sidewalks. There are sidewalks on the opposite side of the street and if they were to put in sidewalks there is nothing to connect them to.

Commissioner Aglieco asked if there are any wetlands on the new lot. Mr. Schmelter said just a tiny bit at the rear of about 20'.

Chairman Desai said this Commission is not in favor of waiving sidewalks. If they do agree it doesn't make sense to put sidewalks in this location they may ask for a fee in lieu of sidewalks be made to the Town's sidewalk fund.

**A MOTION was made by Commissioner Zarrilli to table the Subdivision Application, Lou-Anne Schmelter and Lisa Fontana, proposing to divided #332 France Street in to two (2) residential lots , one with an existing residence and the other to be a building lot, plus a public sidewalk waiver request, for property located at 332 France Street in a R-20 Residential Zoning District. Seconded by Commissioner O'Sullivan. All were in favor, MOTION CARRIED UNANIMOUSLY.**

**B. Site Plan Modification, Town of Rocky Hill, Guy Scaife, Town Manager, proposing to create a secured impound area for Rocky Hill Police Department, to relocate three dumpsters, and add seventeen (17) parking spaces to the rear of 699 Old Main Street and Cora J. Belden Library, 33 Church Street, in a R-20 Residential Zoning District;**

**Mr. Steven Sopelak, Rocky Hill Town Engineer of 761 Old Main Street** addressed the Commission representing the Town of Rocky Hill. They currently have their impound yard located at the Town Garage but it is not a secure location. There is no round the clock surveillance and there have been incidents of trespassing and vandalism in the past. The cars are impounded because they are considered evidence and they need to be properly secured. The new location behind the Police Station will be monitored at all times and will be well lit. As part of the application, they are proposing to increase the parking spaces from 25 to 35 spaces. Mr. Sopelak handed out a spreadsheet showing that this project will meet all the bulk table requirements.

#### **Commissioner Comments/Questions**

Commissioner Aglieco asked why the current facility is insufficient. Mr. Sopelak said it doesn't have adequate security. There is a space at the bottom of the fence where people can get in and they can also hop the fence. Moving it to this location would allow them to monitor it 24/7. There are no additional lights planned at this time, but they can be added down the road if needed. Commissioner Aglieco asked if any provisions are being taken to prevent car fluids from getting into the drainage system. Mr. Sopelak agreed that is something that they do need address.

Commissioner Zarrilli said he would like the relocated dumpsters to be screened and put on a pad.

#### **Public**

**Mr. Charlie Wisnioski of 670 Old Main Street** addressed the Commission with some concerns about this application. He is not happy that this proposal is taking up more of the Town Green. He feels that the current facility is adequate with its double fencing and cameras. If the impound yard must be moved to this R20 district he asked that it be located against the Police Station to have the least impact on the surrounding residents. If it remains where they are proposing it he would like to see the entire yard surrounded on all sides by arborvitae. He would like to see the dumpsters, trailers and boats removed. He is afraid this application will result in a decrease in property values and feels the layout can be improved. He is concerned that if there is not enough room in the impound yard cars will be parked outside the yard in the parking lot.

Mr. Sopelak said the majority of the impound yard is being placed on an area that is already paved. The trailers have been there for years and the boats are being relocated to another site. There is not enough room to put the impound yard against the Police Station. He said they would agree to put arborvitae around the entire yard.

Commissioner Aglieco asked if they considered any other locations. Mr. Sopelak said no because this is the desired location by the Police Department and Town Staff.

Chairman Desai asked if there are cameras at the Town Garage. Mr. Sopelak said they are but it is just a tape on a loop. There isn't constant surveillance. Chairman Desai asked if they considered making the current lot more secure. Mr. Sopelak said they did not look into that option. It would be easier to have 24

hour surveillance if the yard was located by the Police Station. Deputy Chief Keener, of 699 Old Main Street said the Town Garage is very limited for space and they could use the additional space for their operations. No one is supposed to have access to the vehicles in the impound yard because they need to control the chain of evidence in these instances.

Commissioner Zarrilli said if they have to remove any trees he would like them replaced.

Commissioner Aglieco asked if most Police Stations have their impound yards on site. Deputy Chief Keener said most Police Stations do have the impound yards close to their buildings. There really is a need for increased security from what they currently have now.

**A MOTION was made by Commissioner Zarrilli to approve the Site Plan Modification, Town of Rocky Hill, Guy Scaife, Town Manager, proposing to create a secured impound area for Rocky Hill Police Department, to relocate three dumpsters, and add seventeen (17) parking spaces to the rear of 699 Old Main Street and Cora J. Belden Library, 33 Church Street, in a R-20 Residential Zoning District with the following conditions:**

- 1. The addition of arborvitae along the additional parking lot, where the boat storage is.**
- 2. The addition of a dumpster pad.**
- 3. Address the catch basins so they are not subject to harmful fluids from the impounded cars.**
- 4. Including all staff comments.**

**Seconded by Vice Chairman Clements.**

**A Friendly Amendment was made by Vice Chairman Clements that the applicant keep the 18” tree that is on the plan and if the 28” tree is removed it be replaced at a suitable location as suggested by Staff (from the cell tower to the corner where the double trailers are). FRIENDLY AMENDMENT ACCEPTED.**

**All were in favor, MOTION CARRIED UNANIMOUSLY.**

**C. Proposed Amendments to the Rocky Hill Zoning Regulations, Town of Rocky Hill, proposing to amend/add language concerning Medical Marijuana, refer to Item 1A on this document;**

This item was removed from the agenda.

**D. Proposed Zoning Regulation Amendments, Town of Rocky Hill, proposing to modify the Rocky Hill Zoning Regulations:**

- 1. Remove Section 4.1.3 Site Plan Uses D. Mixed-uses, in the OP – Office Park Zoning District;**
- 2. Modify the language in Section 4.1.2 Site Plan Uses F from “mixed commercial and residential uses” to “mixed use,” in the C-Commercial Zoning District;**

**3. Modify Section 4.3.5 Add: This Section is not applicable to Mixed Use Developments approved under Section 7.13**

**4. Add to and/or replace existing definitions within Section 2.2 DEFINITIONS:**

**Affordable Housing:** housing for which people and families pay thirty percent ( 30 % ) or less of their annual income, where such income is less than or equal to the area mean income for the municipality in which such housing is located, as determined by the United States Department of Housing and Urban Development

**Affordable Housing Set Aside:** ten (10) percent of housing units in a mixed use development, are to be designated as “affordable housing,” as defined herein, when the number of residential units on site is ten (10) or more total

**Apartment:** a suite of rooms forming one residence or dwelling unit

**Apartment Building:** a building containing several apartment style dwelling units for lease

**Duplex Residence:** two joined residential dwelling units

**Mixed Use:** a combination of (i) a commercial use or uses permitted in, and meeting the applicable standards of, the underlying district, which use or uses shall included retail, (ii) residential use; and (iii) recreational, cultural, civic and/or educational uses not limited to occupants and guests of the residential component. All categories of use shall be substantial elements of the overall project, shall be complementary and shall be physically and functionally integrated. The project shall be designed to facilitate and encourage internal and external pedestrian access to the extent reasonably practicable

**Mixed Use Development:** a combination of a residential use or uses and a non-residential use or uses in a single building or in a cohesive planned development in more than one building

**Multifamily Housing:** allowed as a component of a mixed use development is a classification of housing where multiple separate housing units for residential inhabitants are contained within one building, with or without party walls or several buildings within one complex. A common form is an apartment building. Sometimes units in a multi-family residential building are condominiums, where typically the units are owned individually rather than leased from a single apartment building owner.

**5. Add Section 7.13 Mixed Use Development**

The Commission may grant a Special Permit and Site Plan approval for a Mixed Use Development in a C-Commercial Zoning District, provided the proposed development meets the applicable definitions and requirements under this Section 7.13, 2.2, 8.3 and 8.4 of these Regulations as may be amended.

**7.13 A. Height and Area Requirements:**

**1. Building Height:** If more than one building is proposed within a mixed use development, the buildings should be at varying heights. Building height is not to exceed 45 feet or 4 stories.

**2. Building Setbacks:** Front yard setback can range between 10 feet and 35 feet. Applicants, in writing, can request a front yard setback less than 10 feet providing the change would not create a sightline hazard or other hazard; and in front of the building vegetative elements are incorporated.

Side Yard and Rear Yard Setbacks are to meet those of the underlying district.

**3. Minimum Impervious/landscaped area:** There is to be a minimum of 30% impervious area on site distributed throughout the site. Vegetative buffering is to be provided along side and rear property boundaries

#### **7.13 B Parking Requirements/Traffic:**

Shared parking is required. The Applicant, in writing, shall the present the proposed uses in general within the proposed development, their parking needs, and requirements as well as the overall parking and circulation plan.

#### **7.13 C Multifamily Housing/Affordable Housing:**

Multifamily housing is allowed in a mixed use development in the form of rental units and/or condominium units. Affordable housing units as defined in Section 2.2, shall be required where at least ten (10) residential units are proposed as a part of a mixed use development. In mixed use developments which contain ten (10) residential units or more, ten (10) percent of those units are to be designated as “affordable” by deed restriction/lease for a period of thirty years.

**7.13 E** In addition to other criteria contained elsewhere in these Regulations, applications for a Special Permit and Site Plan approval for a mixed use development shall comply with the following:

**1. Special Permit Requirements in Section 8.3.**

**2. Site Plan Requirements in Section 8.4**

**3. Properties are to be served by public water and public sewer;**

**4. Public sidewalks are to be provided along the street frontage and throughout the development with areas of refuge such as but not limited to benches, other areas for sitting;**

**5. Commercial Vehicles as defined in Section 2.2 are prohibited from overnight parking unless associated with an on-site commercial business and appropriately screened from the public street and on site and nearby residential units;**

**6. The design guidelines as developed for the Silas Deane Highway, The Silas Deane A Vision for Reinvestment. Action Items and Design Guidelines \* is to be followed with respect to project and building design.**

**\*The Silas Deane A Vision for Reinvestment Action Items and Design Guidelines, Wethersfield and Rocky Hill, Connecticut, prepared by Fuss & O'Neill in association with Ferrero Hixon Assoc., dated April 2006.**

Mrs. Ricci said they are proposing these changes to the Regulations. There is currently a moratorium on mixed use development, which is in effect until April 2015. Staff received some feedback to consider including:

- Ray Carpentino suggested that under Section 7.1.3 e, they change the language from mandatory to more of a request to consider.
- A Request to consider limiting the number of bedrooms to studio, 1-bedroom or 2-bedroom units.
- The Attorney for the owner of the Ames property requested that the Commission consider 3-bedroom units.

**Ms. Krista Mariner of 58 Farms Village Road** pointed out a typo in the proposed Regulations that needs to be corrected. She again suggested that a School Impact Study be required for applicants of mixed use developments.

**Attorney Tom Regan of Brown, Rudnick LLP** addressed the Commission representing the Owner of the Ames Property. They are happy with the Regulations as presented. They have no problem with studio, one or two bedroom complexes but with regard to duplexes or town homes that are for sale, they would like to see the ability to have 3 bedroom homes.

Commissioner O'Sullivan said he doesn't think they need both definitions for "mixed use" and "mixed use development". Mrs. Ricci agreed that the "mixed use development" definition should be removed. Commissioner O'Sullivan felt the definition of "apartment" and references to underlying districts in the bulk table requirements needed further clarification. He agrees with the need for a School Impact Study for projects of a certain size.

Chairman Desai said he thinks the affordable housing definition should include a percentage. There was a suggestion to add a definition for "condominium".

There was a brief discussion about the Architectural Review Board and their status as an "advisory" Board.

**A MOTION was made by Commissioner Zarrilli to table the Proposed Zoning Regulation Amendments, Town of Rocky Hill, proposing to modify the Rocky Hill Zoning Regulations until February 4, 2015. Seconded by Commissioner O'Sullivan. All were in favor, MOTION CARRIED UNANIMOUSLY.**

## **6. ANY OTHER BUSINESS**

No discussion.

## **7. COMMUNICATIONS**

**A. Educational Opportunity: CT Bar Association – Connecticut Land Use Law for Municipal Land Use Agencies, Boards and Commissions, Saturday March 21, 2015 at Wesleyan University, 8:30 to 4:30**

Mrs. Ricci encouraged all interested Commissioners to attend this CT Bar Association Seminar.

There is a new Town Noise Ordinance that has been approved by the DEEP. The Town has a noise calibrator on order to aid in enforcement.

Commissioners received information on a decision regarding the case at 60 West Street. Also, there was a woman who came before the Commission a few months ago who had concerns about the noise from chickens and roosters on the abutting property. Mrs. Ricci handed out a copy of the Town of Glastonbury's new Regulations concerning this issue for the Commission to review.

**8. APPROVE BILLS**

**A. Planimetrics Invoice # 1072 for \$7,000;**

**A MOTION was made by Commissioner Zarrilli to approve the Planimetrics Invoice #1072 in the amount of \$7,000. Seconded by Commissioner O'Sullivan. All were in favor, MOTION CARRIED UNANIMOUSLY.**

**9. ADJOURN**

**A MOTION was made by Commissioner Zarrilli to adjourn the meeting at 8:35 p.m. Seconded by Vice Chairman Clements. All were in favor, MOTION CARRIED UNANIMOUSLY.**

Respectfully submitted,

Eileen A. Knapp  
Recording Secretary